

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claim 22 is amended herein.

Claims 1-5, 7, and 9-12 are allowed.

In view of the above, it is respectfully submitted that claims 1-22 are currently pending and under consideration, claims 6, 8, and 13-21 of which have been withdrawn from consideration.

**II. REJECTION OF CLAIM 22 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER HAGERTY (USP# 713,301) IN VIEW OF TANAKA (JP 05-180183)**

Claim 22 (as amended herein) sets forth a variable capacity rotary compressor comprising a restraining unit that outwardly projects from the rotating shaft by a centrifugal force when the rotating shaft is rotated to execute a compression operation, and restrains first and second eccentric bushes provided in the compressor to prevent the first and second eccentric bushes from slipping. The compressor also comprises a locking pin mounted to the rotating shaft to project from the rotating shaft and to make one of the first and second eccentric bushes eccentric from the rotating shaft while making a remaining one of the first and second eccentric bushes be released from eccentricity from the rotating shaft.

Hagerty and Tanaka, either alone or in combination, do not teach or suggest the features recited in claim 22 of the present invention.

In view of the above, it is respectfully submitted that the rejection is overcome.

**III. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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